

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DISPLAY TECHNOLOGIES, LLC

Lead Consolidated Case No.
2:17-cv-00070-JRG-RSP

Plaintiff,

v.

HTC AMERICA, INC.,

Defendant.

DISPLAY TECHNOLOGIES, LLC,

Case No. 2:17-cv-00067-JRG-RSP

Plaintiff,

v.

BLU PRODUCTS, INC.,

Defendant.

UNOPPOSED MOTION TO AMEND DOCKET CONTROL ORDER

Defendant BLU Products, Inc. (“BLU”), by and through its undersigned counsel and pursuant to Federal Rule of Civil Procedure 6(b)(1), respectfully requests the entry of an order amending the Docket Control Order dated June 15, 2017 [Dkt. 34] (the “Docket Control Order”) to extend the deadline to comply with P.R. 3-3 and 3-4 (Invalidity Contentions and Document Production Accompanying Invalidity Contentions)¹ and to extend the deadlines to comply with P.R. 4-1 (Exchange Proposed Claim Terms)². All other dates in the Docket Control Order remain the same.

This extension is sought—and good cause exists—because BLU requires additional time to prepare and complete their Invalidity Contentions. Specifically, due to the impending landfall of Hurricane Irma, BLU’s counsel requires additional time to serve its contentions. Moreover,

¹ BLU requests a two-week extension for P.R. 3-3 and 3-4.

² BLU requests a one-week extension of P.R. 4-1.

depending on the impact and resulting effects of Hurricane Irma, counsel for BLU is uncertain as to when its office will be able to re-open. An extension would cause no apparent prejudice to any party, and all claim construction and *Markman* hearing deadlines will be unaffected. In sum, the relief requested in this motion is not for purposes of delay but to further the goals of the procedures of the Court and so that justice may be served. Indeed, the undersigned contacted counsel for Plaintiff and is authorized to state that the relief requested in this motion is unopposed.

For the foregoing reasons, BLU respectfully requests that the Court amend the Docket Control Order consistent with the deadlines proposed below along with such further relief as the Court deems just and proper.

September 10, 2018	*Jury Selection – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
August 13, 2018	*Pretrial Conference – 9:00 in Marshall, Texas before Judge Roy Payne
August 8, 2018	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
August 6, 2018	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
July 30, 2018	*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.

July 23, 2018	<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>
July 23, 2018	Serve Objections to Rebuttal Pretrial Disclosures
July 9, 2018	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
July 2, 2018	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
June 4, 2018	<p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
June 4, 2018	<p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p>
June 4, 2018	Deadline to Complete Expert Discovery
May 14, 2018	Serve Disclosures for Rebuttal Expert Witnesses
April 23, 2018	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
April 23, 2018	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
February 21, 2018	<p>Deadline to Complete Mediation</p> <p>The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.</p>
February 14, 2018	Comply with P.R. 3-7 (Opinion of Counsel Defenses)

January 24, 2018	*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne
January 10, 2018	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
January 3, 2018	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
December 27, 2017	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
December 13, 2017	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
December 13, 2017	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
November 29, 2017	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
November 22, 2017	File Response to Amended Pleadings
November 8, 2017	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
November 1, 2017	Comply with P.R. 4-3 (Joint Claim Construction Statement)
October 11, 2017	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructors)
September 27, 2017	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
September 20, 2017	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)

Respectfully submitted,

s/ Isaac S. Lew

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Counsel for Defendant, BLU Products, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail through the CM/ECF system on this 6th day of September, 2017, on all counsel of record on the service list below.

s/ Isaac S. Lew
Isaac S. Lew

Service List

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